

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, April 6, 2011 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 9:01 A.M. Members of the Town Board present were Councilmember's Peter DiCostanzo, Patrick Casilio, Bernard Kolber and Joseph Weiss. Other Town officials present were Town Attorney Steven Bengart, Town Engineer Tim Lavocat and Accountant Lauri Plis.

Supervisor Scott Bylewski

Supervisor Bylewski received notice that Catherine Berchou has resigned from the Ethics Board.

Supervisor Bylewski has not been successful in finding an applicant to fill the vacancy on the Environmental Management Council of Erie County.

NYMIR (New York Municipal Insurance Reciprocal) and VFIS are scheduled for the May 4th morning Work Session.

Councilman Weiss discussed at a prior meeting the reintroduction of trout in Ransom Creek. Supervisor Bylewski met with Martin Redcay and has communicated with Town Engineer Lavocat and Town Attorney Bengart as to the logistics behind it. There are some water level quality concerns; Town Attorney Bengart will research access on the culvert. The DEC wants the Town of Clarence on board before they issue any permits. Supervisor Bylewski will continue to pursue this.

Supervisor Bylewski has two items to discuss in Executive Session, pending litigation and the employment history of a particular person.

Councilman Joseph Weiss

Motion by Councilman Weiss, seconded by Councilman DiCostanzo approval be granted to Animal Control Officer Jerry Schuler to attend an Animal Control Seminar in Rochester, NY on April 12th – April 13th, 2011 with all reasonable and necessary expenses paid by the town and authorization to use a town vehicle. Upon roll call – Ayes: All; Noes: None. Motion carried.

The Parks Department is all set for the fishing derby; the DEC stocked the pond with 500 fish. The \$2.00 fee for the fishing derby is being waived.

Councilman Weiss met with Parks Crew Chief James Burkard; they have finished up their winter projects and are gearing up for the summer months.

Garden Friends of Clarence (Sharon Barker) has requested use of the green house at the Main Street Park to store some plants before their plant sale. Parks Crew Chief James Burkard was in agreement with this request.

Councilman Bernard Kolber

Councilman Kolber has one item to discuss in Executive Session to discuss the employment history of a corporation and the employment history of an individual.

Councilman Kolber has been working with Time Warner trying to get cable to the north-east end of town – it does not look real promising until the next contract negotiations.

Councilman Patrick Casilio

Councilman Casilio has been working with Chris Durr regarding the installation of cameras at the town pool. It was decided that four cameras be installed, one at the entrance of each locker room, one at the sign-in desk and one for the pool area. They are tentatively discussing having the Parks Department mount and install the cameras.

Several lights have been repaired in the Harris Hill area, there are however three problem areas. Councilman Casilio will meet with Parks Crew Chief James Burkard and William Stockwell from NYSEG to try to figure out how to get the lights energized again. They are aggressively trying to get all the lights working.

Councilman Casilio attended the Supervisor's meeting with County Executive Collins. Goodrich Road was discussed. Town Engineer Lavocat stated that before any work could begin, you have to address the drainage issue. Several years ago his department surveyed the entire length of Goodrich Road for driveway culverts and they are all over the place as far as size and material. He will plot this out and then sit down with the County and see if they can get something moving.

All the residents on Heroy Road have been contacted about the availability of gas service.

Motion by Councilman Casilio, seconded by Councilman Kolber to authorize Supervisor Scott Bylewski to sign the contract between BEW Health Promotions and the Town of Clarence for services to be provided at the Town of Clarence Wellness Fair on Friday, June 10, 2011. On the question, Supervisor Bylewski stated that this is for cholesterol & blood pressure screening. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to adopt the following resolution:

Be it resolved that, after holding an open competitive bid the Town Board awards the bid for the installation of the solar panel system for the Clarence library project to Solar Liberty Energy Systems of Williamsville, New York as they were the lowest responsive bidder in the amount of \$209,695. to be funded under the NYSERDA Grant and

Be it further resolved that the Supervisor is authorized to sign and enter into a contract with Solar Liberty Systems subject to the review and approval of the Town Attorney. On the question, Councilman DiCostanzo stated that we have issues with the building, if the solar panels are installed, will that take care of the leaking roof. Councilman Kolber stated that he would like to discuss this in Executive Session. Town Engineer Lavocat stated that there were four bidders, the highest bid came in at \$248,000, the lowest bid was \$209,695 and the estimate was \$268,000.

Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to adopt the following resolution:

Be it resolved that after holding an open competitive bid, the Town Board awards the bid for the installation of the solar panel system for the Clarence Senior Center project to EMSA Solar, LLC of New Jersey as they were the lowest responsive bidder in the amount of \$208,800. to be funded under the NYSERDA Grant and

Be it further resolved that the Supervisor is authorized to sign and enter into a contract with EMSA Solar, LLC subject to the review and approval of the Town Attorney.

Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Peter DiCostanzo

Councilman DiCostanzo attended the Chamber of Commerce meeting yesterday. The Chamber is hosting a seminar on using social media (face book, twitter etc.) April 19th at the Clarence Library. The event is free of charge.

Chris Kempton was present at the Chamber of Commerce meeting to address the Board on the proposed ice rink.

John Rosemond will be giving a presentation on April 12, 2011 at the Clarence High School at 7:00PM.

Councilman DiCostanzo spoke with Chip Trapper relative to the manning of the kiosk at the Town Pool, it was decided that a Recreation Attendant will man the booth and they will rotate life guards during their down-time to help in the booth as well.

Karen Jurek has set up the card swipe system for the Clarence pool.

GC Supply LLC is scheduled for the Planning Board meeting tonight, the applicant is proposing to display golf carts in front of the store at 9992 Main Street in the former Ingalbe's appliance store in the Frey's Olde Time Furniture complex. Councilman DiCostanzo stated that if the Town Board has any issues relative to the display of golf carts they should speak up at the Planning Board meeting.

Councilman DiCostanzo has two Attorney-Client items to discuss.

Supervisor Bylewski will clarify the Work Session minutes of March 23, 2011 (pg. 72).

Councilman Kolber met with members of the Clarence Soccer Club; they are interested in constructing a full size indoor turf field soccer complex behind Eastern Hills Mall near Sears. They feel they can make it work and make it financially feasible. The Soccer Club will put together a proposal to present to the Town Board. They have not contacted any representatives from Eastern Hills Mall however, it was noted that the location they are pursuing is owned by Sears.

Town Engineer Timothy Lavocat

Town Engineer Lavocat informed the Town Board that the RFP for the proposed hockey rink went out to eleven firms. If anyone wants to include any additional firms, they should forward the information to Mr. Lavocat. The proposal was revised to read *consideration must be given to future expansion opportunities*. The proposals are due May 19th.

Councilman Kolber will meet with Town Engineer Lavocat to discuss the entrance way at the Senior Center.

Amato Fox & Company 2010 Audit Review/Accountant Lauri Plis

Amato Fox & Company is hired to review the town's financial statements to see that they are presented correctly. They are not necessarily looking for fraud or anything of that nature but if they do come across something of this nature when they are doing the audit, they would bring it to the Board's attention.

Summary of Revenues by Functional Area

Property Tax is the biggest percentage of revenue for the Town at 55%, non-property tax items 26%. Licenses and permits increased by \$200,000 due to the PIP issue last year where there was money sitting in the Trust and Agency Fund and once it was investigated, found out how much actually belonged to the town. State Aid went down.

Summary of Expenditures by Functional Area

One of the biggest increases was Home & Community Services (Drainage District) with an increase of \$223,000.

Summary of Fund Balances

Last year to this year, the town picked up \$325,000 in the General Fund however that includes the PIP for \$200,000.

Summary of Revenues and Expenditures – Budget vs. Actual

Budgeted Revenues \$18,041,699 and the Actual was \$18,552,244. \$19,767,667 was budgeted for Expenditures and the Actual came in at \$18,028,126.

Summary of Outstanding Indebtedness

There is outstanding debt of \$17,271,300 which consists of \$9,786,300 of General Obligation Bonds and Bond Anticipation Notes of \$7,485,000 – this is up slightly from last year.

Amato, Fox & Company encountered no significant difficulties in dealing with management in performing and completing their audit. There were no misstatements, material or trivial detected as a result of audit procedures.

The Management Letter referenced a control deficiency in internal control. The Town does not have a written policy regarding the disposal of scrap metal by Town employees. The Town should prepare a written policy. The policy should establish the controls necessary to ensure the proper disposal, receipt of funds and recording of revenues.

The Town has a cash balance of \$11,279,565. Long term liabilities \$19,000,000.

Fiduciary Fund – defined Benefit Volunteer Firefighter Service Award Program (LOSAP)

Actuarial Present Value of Benefits \$5,605,248 of that the town has assets of \$2,078,049 to cover the cost – the town has a \$3,527,199 unfunded liability for the firefighters - each year the town is advised by VFIS as to the amount to be put in this fund. This is a large cost to the town that many people are not aware of.

The Towns internal controls are functioning correctly. This year there was a third opinion that Amato Fox & Co. did which had to do with Federal Funds Received. The Town received \$600,000 for a sewer district. If you receive over \$500,000 a single audit on the federal funds must be performed. A report must then be submitted to the Federal Government indicating whether or not the funds were spent the way they were intended to. There are fourteen standard compliance requirements that must be followed, there were six compliance requirements specific to this particular grant and the town met them all.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to enter into Executive Session pursuant to § 105(1) D pending litigation EEOC vs. Town of Clarence; § 105(1) F the employment history of particular persons and the employment history of a particular corporation. On the question, Town Attorney Bengart and Town Engineer Lavocat were asked to remain in the meeting. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 10:16 AM.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman Kolber to adjourn the Executive Session at 10:59 A.M. Upon roll call – Ayes: All; Noes: None. Motion carried. No action taken.